



CLERK'S BOARD SUMMARY
REPORT OF ACTIONS OF THE
FAIRFAX COUNTY BOARD OF SUPERVISORS
MONDAY
July 25, 2005

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, July 25, 2005, at 9:44 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Dana Kauffman, Lee District, arrived at 9:45 a.m.

Supervisor Elaine McConnell, Springfield District, was absent from the entire meeting.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER

1. **INTRODUCTION OF INTERNS** (9:45 a.m.)

Chairman Connolly introduced the following individuals who are interning in his office:

- Ms. Joanne Tu from Westfield High School.
- Ms. Katherine Miller from Langley High School.

Supervisor Gross introduced Ms. Elizabeth Eckert, a rising senior from Annandale High School, who is interning in her office.

Supervisor Hudgins introduced Ms. Jill Sager, a rising senior at Northwestern University, majoring in political science, who is interning in her office.

Supervisor Bulova introduced Ms. Elaine Filadelfo, a graduate of Annandale High School, who is a rising junior at Princeton University

who is interning in her office.

Supervisor Kauffman introduced Ms. Berit Fitzsimmons, a rising senior at Thomas Jefferson High School, who is interning in his office.

Chairman Connolly, on behalf of the Board, warmly welcomed all of the interns to the Board Auditorium.

AGENDA ITEMS

2. **PROCLAMATION DESIGNATING TUESDAY, AUGUST 2, 2005, AS "NATIONAL NIGHT OUT" IN FAIRFAX COUNTY** (9:47 a.m.)
Supervisor Gross moved approval of the Proclamation to designate Tuesday, August 2, 2005, as "*National Night Out*" in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.
3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE NATIONAL WILDLIFE FEDERATION** (9:53 a.m.)
Supervisor Hudgins moved approval of the Certificate of Recognition presented to the National Wildlife Federation for receiving the Metropolitan Council of Governments Telework Award. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.
4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. ROBIN SMITH** (10:07 a.m.)
Supervisor Bulova moved approval of the Certificate of Recognition presented to Ms. Robin Smith for being named Nurse of the Year by *The Washington Post*. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.
5. **RESOLUTION CONGRATULATING CHRISTIAN RELIEF SERVICES CHARITIES AND MR. EUGENE KRIZEK** (10:11 a.m.)
Supervisor Hyland moved approval of the Resolution to congratulate Christian Relief Services Charities and Mr. Eugene Krizek on the occasion of their twentieth anniversary of serving individuals in Fairfax County, the US, and the world. Supervisor Bulova and Supervisor Hudgins jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.
6. **RESOLUTION COMMENDING MR. YOUNG HO CHANG FOR HIS SERVICE TO FAIRFAX COUNTY** (10:23 a.m.)
Supervisor Kauffman moved approval of the Resolution to commend Mr. Young Ho Chang, former director of the Department of Transportation, for his noteworthy and exemplary service to Fairfax County. Supervisor Bulova and Supervisor Hyland jointly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

PW:pw

ADDITIONAL BOARD MATTER

7. **ABSENCE OF SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (10:42 a.m.)
Chairman Connolly announced that Supervisor McConnell would be absent from today's meeting and that appointments to citizen boards, authorities, commissions and advisory groups would go forward.

AGENDA ITEMS

8. **10 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (10:42 a.m.)

(APPTS)

(BACs) **ADVISORY SOCIAL SERVICES BOARD**

The Board deferred the appointments of the Hunter Mill, Lee, and Sully District Representatives to the Advisory Social Services Board.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointment of the Builder Representative to the Affordable Dwelling Unit Advisory Board.

AIRPORTS ADVISORY COMMITTEE

Supervisor Gross moved the appointment of Ms. Barbara Hyde to fill the unexpired term of Ms. Roe Panella as the Mason District Representative to the Airports Advisory Committee. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the Springfield District Representative to the Airports Advisory Committee.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments to the Alcohol Safety Action Program Local Policy Board:

- Colonel David M. Rohrer as the Chief of Police Representative
- Mr. Robert F. Horan, Jr. as the Commonwealth's Attorney Representative
- Mr. Mark Sullivan as the Commonwealth's Attorney Alternate Representative
- Mr. Charles E. Collins, Jr. as the Fairfax Bar Association Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

ATHLETIC COUNCIL

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Athletic Council:

- Mr. Ralph Wills as the Youth Soccer Principal Representative

Supervisor Frey seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointments of the Dranesville District Alternate, Hunter Mill District Alternate, and Mason District Alternate Representatives to the Athletic Council.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

Supervisor Hyland moved the appointment of Mr. Mack Rhoades, Jr. as the Mount Vernon District Representative to the Barbara Varon Volunteer Award Selection Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Smyth moved the appointment of The Honorable Emilie Miller as the Providence District Representative to the Barbara Varon Volunteer Award Selection Committee. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

The Board deferred the appointment of the Appraiser #2 Representative to the Board of Equalization of Real Estate Assessments.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor Gross moved the appointment of Ms. Patricia Payne to fill the unexpired term of Mr. Paul Imse, Jr. as the Mason District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Child Care Advisory Council.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #3 Representative to the Civil Service Commission.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Religious Community and the Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

CONFIRMATION:

Supervisor Bulova moved the confirmation of the following appointment to the Community Action Advisory Board:

- Mr. Normand Fisette as the AARP Representative

Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointments of the Dranesville and Lee District Representatives to the Community Action Advisory Board.

COMMUNITY POLICY AND MANAGEMENT TEAM, FAIRFAX-FALLS CHURCH

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments to the Community Policy and Management Team, Fairfax-Falls Church:

- Ms. Kristin Eisenhart as the Parent #1 Representative
- Mr. Robert Rexrode as the Parent #2 Representative

- Mr. Steven Bosch as the Private Services Provider #1 Representative

- Mr. Rick Leichtweis as the Private Services Provider #2 Representative

Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

CONSUMER PROTECTION COMMISSION

Supervisor Hyland moved the reappointment of Ms. Mary Jo Tandy as the Fairfax County Resident #2 Representative to the Consumer Protection Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Chairman Connolly moved the reappointment of Mr. David Bulova as the Fairfax County Resident #5 Representative to the Consumer Protection Commission. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

The Board deferred the appointment of the Mason District Representative to the Countywide Non-Motorized Transportation (Trails) Committee.

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Hunter Mill District Representative to the Criminal Justice Advisory Board.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the Hunter Mill, Lee, Providence, and Springfield District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

Supervisor Kauffman moved the appointment of Mr. David Melugin to fill the unexpired term of Mr. Keith Clark as the Lee District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

CONFIRMATIONS:

Supervisor Bulova moved the confirmation of the following appointments to the Fairfax County Convention and Visitors Corporation Board of Directors:

- Mr. Jay Donahue as the Northern Virginia Hospitality Council #2 Representative
- Ms. Meredith Quarnstrom as the Northern Virginia Hospitality Council #3 Representative
- Mr. Matt White as the Northern Virginia Hospitality Council #4 Representative
- Ms. Celia Stokes as the Northern Virginia Hospitality Council #2 Representative

Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the Mason District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors.

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES

Supervisor Frey moved the reappointment of Mr. Robert Carlson as the At-Large #1 Representative to the Fairfax County Employees' Retirement System Board of Trustees. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Connolly announced the nomination of Ms. Lynne Schlaaff-Crammer as the At-Large #4 Representative to the Fairfax-Falls Church Community Services Board for consideration at the next Board meeting scheduled for August 1, 2005.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Fairfax-Falls Church Community Services Board:

- Major James F. Whitley as the Sheriff's Office Representative
Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The board deferred the appointments of the At-Large #4 and Springfield District Representatives to the Fairfax-Falls Church Community Services Board.

HEALTH SYSTEMS AGENCY BOARD

Chairman Connolly moved the appointment of Ms. Beth Isaacs as the Consumer #2 Representative to the Health Systems Agency Board. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

HISTORY COMMISSION

Supervisor DuBois moved the appointment of Mr. Gary Simanson to fill the unexpired term of Ms. Karen Washburn as the Historian #3 Representative to the History Commission. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

HUMAN SERVICES COUNCIL

Supervisor Kauffman moved the reappointment of Mr. Richard Gonzalez as the Lee District #1 Representative to the Human Services Council. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Gross moved the reappointment of Mr. Michael Kwon as the Mason District #2 Representative to the Human Services Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Smyth moved the reappointment of Ms. Donna Fleming as the Providence #2 Representative to the Human Services Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointment of the Sully District #2 Representative to the Human Services Council.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Information Technology Policy Advisory Committee:

- Mr. Bob Mitchell as the Northern Virginia Technology Council Representative
Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of the Lee, Providence, and Springfield District Representatives to the Juvenile and Domestic Relations Court Citizens Advisory Council.

LIBRARY BOARD

Supervisor Bulova moved the reappointment of Mr. Charles Fegan as the Braddock District Representative to the Library Board. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor DuBois moved the reappointment of Mr. Roger Sudduth as the Dranesville District Representative to the Library Board. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Gross moved the reappointment of Ms. Elizabeth Clements as the Mason District Representative to the Library Board. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Hyland moved the reappointment of Ms. Elizabeth McManus as the Mount Vernon District Representative to the Library Board. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Supervisor Smyth moved the reappointment of Ms. Chris Niedzielski-Eichner as the Providence District Representative to the Library Board. Chairman Connolly and Supervisor Gross jointly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD

Supervisor Bulova moved the appointment of Mr. Andy Shallal as the Fairfax County #3 Representative to the Northern Virginia Community College Board. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

Chairman Connolly moved the appointment of Ms. Judy Braus to fill the unexpired term of Mr. Paul Gilbert as the Fairfax County #2 Representative to the Northern Virginia Regional Park Authority. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being

absent.

Supervisor Smyth noted Mr. Gilbert's promotion to Executive Director of the Northern Virginia Regional Park Authority and congratulated him on behalf of the Board.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Braddock, Dranesville, Mason, and Providence District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #1 and At-Large #4 Representatives to the Road Viewers Board.

SMALL BUSINESS COMMISSION

Supervisor DuBois moved the appointment of Mr. Scott Monett to fill the unexpired term of Mr. Thomas Jacobi as the Dranesville District Representative to the Small Business Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor McConnell being absent.

The Board deferred the appointments of the Hunter Mill and Mason District Representatives to the Small Business Commission.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Landlord Member #3 Representative to the Tenant Landlord Commission.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative to the Transportation Advisory Commission.

AD HOC COMMITTEES

TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE

The Board deferred the appointment of the Arts Council Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee.

DET:det

9. **ADMINISTRATIVE ITEMS** (10:53 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

ADMIN 1 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06012 FOR THE OFFICE OF EMERGENCY MANAGEMENT (OEM) TO ACCEPT AN URBAN AREAS SECURITY INITIATIVE SUB-GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS) THROUGH THE DISTRICT OF COLUMBIA (DC), EXECUTIVE OFFICE OF THE MAYOR, OFFICE OF THE DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE

(SAR) Approved SAR AS 06012 in the amount of \$585,000 for OEM to accept DHS Fiscal Year 2005 Urban Areas Security Initiative Sub-Grant Awards from the DC Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice. These funds will be used by OEM to coordinate the acquisition, installation, and training of WebEOC Incident Management software in all 11 Northern Virginia localities. No local cash match is required.

ADMIN 2 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-Y-017, AXAR MANAGEMENT, INCORPORATED (SULLY DISTRICT)

(AT) Approved 30 months of additional time to commence construction for Special Exception Amendment Application SEA 00-Y-017 to September 9, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 3 – APPROVAL OF TRAFFIC-CALMING MEASURES FOR FLINT HILL ROAD AND WESTGROVE BOULEVARD AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (HUNTER MILL AND MOUNT VERNON DISTRICTS)

- Endorsed the traffic-calming plans for Flint Hill Road and Westgrove Boulevard as proposed by DOT and the Virginia Department of Transportation (VDOT), consisting of the following measures:
 - Flint Hill Road
 - Multi-way stop at Flint Hill Road and Sunrise Road
 - Speed table adjacent to 2517 and 2516 Flint Hill Road

- Speed table adjacent to 2545 Flint Hill Road and 9700 Flint Hill Court
Westgrove Boulevard

- Speed table adjacent to 1205, 1206, and 1207 Westgrove Boulevard
- Speed table adjacent to 1304 and 1307 Westgrove Boulevard

- Directed staff to request VDOT to install the approved measures as soon as possible.

ADMIN 4 – RESOLUTION TO INSTALL "WATCH FOR CHILDREN" SIGNS ON LAMPLIGHT DRIVE AND MISTY CREEK LANE (SULLY DISTRICT) AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP)

(R) Adopted the Resolution endorsing the installation of "Watch for Children" signs as part of DOT's R-TAP at the following locations:

- Lamplight Drive (Sully District)
- Misty Creek Lane (Sully District)

ADMIN 5 – INSTALLATION OF MULTI-WAY STOPS AT SHELLEY LANE AND FROST WAY (MASON DISTRICT), AND AT POINT PLEASANT DRIVE AND MAJESTIC LANE (SPRINGFIELD DISTRICT) AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S (DOT) RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON AND SPRINGFIELD DISTRICTS)

- Endorsed the installation of multi-way stops as part of DOT's R-TAP at the following locations:
 - Shelley Lane and Frost Way (Mason District)
 - Point Pleasant Drive and Majestic Lane (east intersection) (Springfield District)
- Directed staff to request VDOT to install the necessary signs at the earliest possible date.

ADMIN 6 – AUTHORIZATION FOR THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) TO APPLY TO THE US DEPARTMENT OF JUSTICE, OFFICE OF+ COMMUNITY ORIENTED POLICING SERVICES (COPS), FOR A GRANT UNDER THE COPS SECURE OUR SCHOOLS PROGRAM

Authorized the FCPD to apply to the US Department of Justice for a COPS Secure Our Schools Program grant in the amount of \$579,334. This grant will enable the department to hire, train, and support 8/8.0 SYE additional sworn law enforcement officer grant positions. A local cash match of \$579,334 is required, for a total program cost of \$1,158,668.

10. **A-1 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR COUNTY-FUNDED ROADWAY IMPROVEMENTS TO STRINGFELLOW ROAD (SPRINGFIELD AND SULLY DISTRICTS)** (10:53 a.m.)

Following discussion on the schedule and funding, with input from Katharine D. Ichter, Acting Director, Department of Transportation, Supervisor Frey moved that the Board concur in the recommendation of staff and approve the project agreement in substantial form, including the provision of using up to \$13 million in available County transportation bond funds for the widening of Stringfellow Road from I-66 to US Route 50 from two lanes to four lanes. Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

11. **A-2 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06009 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPROVE CONDITIONS NECESSARY TO EXECUTE A PROJECT AGREEMENT AND ACCEPT FEDERAL TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM (TCSP) FUNDS FOR THE BACKLICK NORTH PARK-AND-RIDE LOT (LEE DISTRICT)** (10:56 a.m.)

(SAR) On motion of Supervisor Kauffman, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent, the Board concurred in the recommendation of staff and:

- Approved SAR AS 06009 for DOT to accept up to \$495,654 in TCSP funds for the Backlick North Park-and-Ride Lot project;
- Approved the project agreement.

No local cash match is required.

12. **A-3 – PARKING REDUCTION FOR THE WILLSTON SHOPPING CENTER IN THE BAILEY'S CROSSROADS/SEVEN CORNERS COMMERCIAL REVITALIZATION DISTRICT (MASON DISTRICT)** (10:57 a.m.)

On motion of Supervisor Gross, seconded by Supervisor Bulova, and carried by a vote of nine, Supervisor McConnell being absent, the Board concurred in the recommendation of staff and approved a parking reduction of 20 percent for the Willston Shopping Center located on parcel 51-3 ((18)) 4 on the conditions outlined in the Board Agenda Item dated July 25, 2005.

13. **A-4 – CONSOLIDATED COMMUNITY FUNDING ADVISORY COMMITTEE (CCFAC) RECOMMENDATIONS REGARDING THE FISCAL YEAR (FY) 2007 AND FY 2008 FUNDING PRIORITY AREAS FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)** (10:57 a.m.)

Discussion ensued, with input from Margaurite M. Kiely, Director, Department of Systems Management for Human Services, and Anthony H. Griffin, County Executive, concerning the allocation of funding for youth and affordable housing.

Supervisor Hudgins moved that the Board concur in the recommendation of staff and approve the FY 2007 and FY 2008 Funding Priority Areas for the CCFP as recommended by the CCFAC. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

14. **A-5 – ENDORSEMENT OF THE DESIGN CONCEPT FOR THE GRADE-SEPARATION OF TELEGRAPH ROAD AT NORTH KINGS HIGHWAY AND AT HUNTINGTON AVENUE AS PART OF THE WOODROW WILSON BRIDGE PROJECT** (11:04 a.m.)

Supervisor Hyland distributed to Board Members copies of a letter he received from the Huntington Community Association, Incorporated indicating its opposition to the design concept, on behalf of its association and two other associations in the community, particularly raising questions concerning the speed of vehicles coming off a ramp onto Huntington Avenue, and expressing objections because the original design of the Telegraph Road interchange did not include what was being proposed.

Following discussion, with input from Ronaldo “Nick” Nicholson, Virginia Project Manager, Woodrow Wilson Bridge Project, Virginia Department of Transportation (VDOT), concerning speed control, Supervisor Hyland asked unanimous consent that the Board direct staff to work with VDOT to bring the separators closer to Fort Hunt Road. Without objection, it was so ordered.

Supervisor Kauffman moved that the Board concur in the recommendation of staff and:

- Endorse the design concept of the I-95/Telegraph Road interchange which includes the grade-separation of Telegraph Road/Huntington Avenue and Telegraph Road/North Kings Highway.
- Direct staff to continue working with the VDOT and the Woodrow Wilson Project Team to refine this design and advance this project to construction.

Supervisor Bulova seconded the motion, and it **CARRIED** by a recorded vote of eight, Supervisor Hyland voting "NAY," Supervisor McConnell being absent.

15. **I-1 – CONTRACT AWARD – DEFERRED COMPENSATION FOR COUNTY EMPLOYEES** (11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, requesting authorization for staff to award contracts to the following for an initial contract period of five years with two one-year renewal options for deferred compensation services for County Employees:

- ICMA Retirement Corporation
- AIG VALIC
- Nationwide Retirement Solutions
- T. Rowe Price Retirement Plan Services, Incorporated

The staff was directed administratively to proceed as proposed.

16. **I-2 – FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB) FISCAL YEAR (FY) 2006 FEE SCHEDULE** (11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, requesting authorization to proceed with the implementation of the CSB FY 2006 Fee Schedule to become effective October 1, 2005.

The staff was directed administratively to proceed as proposed.

17. **I-3 – CONTRACT AMENDMENT – PROFESSIONAL SERVICES FOR THE GLENWOOD MEWS HOUSING DEVELOPMENT (LEE DISTRICT)** (11:12 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, requesting authorization for staff to award a contract amendment to Samaha Associates, PC in the amount of \$122,095, which results in a total contract amount of \$152,470 for the additional services of construction and bid documents and administration of the construction contract for professional services for the Glenwood Mews Housing Development.

The staff was directed administratively to proceed as proposed.

18. **I-4 – CONTRACT AWARD – AREA THREE LINED LANDFILL PART 1 CAP CLOSURE CONSTRUCTION PLAN (MOUNT VERNON DISTRICT)** (11:13 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, requesting authorization for staff to award a contract to Glover Construction Company, Incorporated, in the amount of \$5,780,905 for the construction of Area Three Lined Landfill Part 1 CAP Closure Construction Plan, Project 186650, Subfund 114.

Following discussion, with input from Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services, concerning a completion date, the staff was directed administratively to proceed as proposed.

19. **I-5 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE DOLLEY MADISON LIBRARY (DRANESVILLE DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, requesting authorization for staff to award a contract to Bowie Gridley Architects in the amount of \$794,849 for full design and construction administration services for the Dolley Madison Library, Project 004844, within Fund 302, Library Construction. This amendment in the amount of \$794,849 increases the total contract amount from \$49,904 to \$844,753.

The staff was directed administratively to proceed as proposed.

20. **I-6 – CONTRACT AWARD – CROSSPOINTE FIRE STATION (SPRINGFIELD DISTRICT)** (11:16 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, requesting authorization for staff to award a contract to American Property Construction Company, in the amount of \$5,750,000 for the construction of Crosspointe Fire Station, Project 009210 in Fund 312, Public Safety Construction.

Discussion ensued, with input from Anthony H. Griffin, County Executive, concerning construction costs increasing as a result of concrete, steel and petroleum related costs.

The staff was directed administratively to proceed as proposed.

21. **I-7 – FAIRFAX COUNTY CHANNEL 16 NAMED BEST GOVERNMENT CABLE TV STATION FOR THIRD TIME** (11:17 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, announcing that Channel 16 was recently honored by the Alliance for Community Media as the best government access cable television station in the country in 2005. This is the third time that the County has won the award for Overall Excellence of Government Access channels in its division, with previous awards given in 1996 and 1999.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Channel 16 staff to appear before the Board to be recognized for their efforts. Without objection it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Anthony H. Griffin, County Executive, noted that there were several staff members of Channel 16 in the auditorium. Chairman Connolly acknowledged their presence and expressed the Board's appreciation.

22. **I-8 – PLANNING COMMISSION ACTION ON PUBLIC FACILITIES REVIEW APPLICATION 2232-P05-3, FAIRFAX COUNTY PARK AUTHORITY (PROVIDENCE DISTRICT)** (11:19 a.m.)

The Board next considered an item contained in the Board Agenda dated July 25, 2005, announcing the Planning Commission's approval of Public Facilities Review Application 2232-P05-3, Fairfax County Park Authority.

Supervisor Smyth commented regarding rectangular fields and the allocation of resources to gain more capacity for a better return on investment.

ADDITIONAL BOARD MATTERS

NV:nv

23. **COMMUNITY PARKING DISTRICTS (CPDs)** (11:20 a.m.)

(BACs) Chairman Connolly said that recently the Board conducted several public hearings to establish CPDs in neighborhoods throughout the County. The Board heard from residents frustrated by boats, trailers, and recreational vehicles parking in their neighborhood. The following were among residents' complaints:

- Parking of boats and trailers by nonresidents.
- Expired tags and stickers on vehicles.
- Out-of-state license plates.

- Impediments to sight distance and traffic flow.
- Other health and safety risks.

Chairman Connolly acknowledged that the establishment of a CPD eventually provides citizens with relief, but he said that it is a cumbersome, time consuming, and expensive process that affords no resolution until its final implementation. He asserted that a coordinated approach to the enforcement of existing ordinances may provide communities with interim relief. He said that an enforcement matrix for these vehicles may be of assistance to all involved.

Accordingly, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board direct the County Executive to convene a committee to research and prepare materials to guide enforcement. He said that representatives should include, but not be limited to, staff from the following County agencies:

- County Attorney's Office.
- Police Department.
- Fire Marshal (Department of Fire and Rescue Services).
- Department of Tax Administration.
- Department of Transportation.
- Health Department.
- Zoning Enforcement Branch, Zoning Administration Division, Department of Planning and Zoning.

Supervisor Hyland seconded the motion.

Supervisor Hyland asked to amend the motion to also direct staff to examine the existing CPD rules with a view toward streamlining them to address the aforementioned issues, and this was accepted.

Following a brief discussion about the rules and regulations for CPDs, the question was called on the motion, which carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

24. **REQUEST FOR REPORT ON PAY FOR PERFORMANCE APPEALS** (11:23 a.m.)

Supervisor Hudgins said that in reviewing her Personnel Committee records, she noted that no report has been forwarded to the Board regarding the status of the Pay for Performance Appeals Process. Accordingly, she asked unanimous consent that the Board direct staff to provide the ongoing appeals data for the Board to continue the evaluation of Pay for Performance. Without objection, it was so ordered.

25. **COMMUNITY SOFTBALL GAME (HUNTER MILL DISTRICT)** (11:23 a.m.)

Supervisor Hudgins said that as part of its community outreach efforts, Infinity Broadcasting Corporation, the owner of both WPGC and WHFS, sponsors events throughout the Washington, DC metropolitan region. These events aim to encourage local youth, governmental agencies, and service providers to collaborate with one another, fostering relationships based on respect and communication, while also discouraging violence.

Supervisor Hudgins said that as part of this summer's activities, on August 10 from 4 p.m. until 8 p.m., WPGC 95.5 and WHFS - El Zol Radio will be playing in a community softball game against officers from the Police Department, Reston District Station; the Hunter Mill District office; and local youth from the Reston Teen Center. The game will begin at 6 p.m. at Baron Cameron Park in Reston. As well, there will be an opportunity for a game of soccer at an adjacent field. Staff from the Department of Systems Management for Human Services, Region 3 office, will be present to share information on available services.

Supervisor Hudgins stated that the multi-agency collaboration of the Police Department with the other agencies is indicative of how the many working parts of local government can work together, forming the appearance of a single unit doing good public outreach.

Supervisor Hudgins encouraged fans to come out to enjoy the game, meet radio personalities, and get to know some of the police officers in a friendly and fun-loving environment.

Supervisor Hudgins distributed a flyer about the event and asked unanimous consent that the Board direct the Office of Public Affairs to publicize it. Without objection, it was so ordered.

26. **REQUEST FOR CONCURRENT PROCESSING FOR PARKRIDGE VI (HUNTER MILL DISTRICT)** (11:25 a.m.)

Supervisor Hudgins said that Walker FLP Limited Partnership is processing a special exception application to allow for the option of hotel use on the site and some dimensional changes, including an increase in building height, to improve landscaping and other design goals. Parkridge Center is a 46-acre office campus located in the southwest quadrant of the Route 267/Hunter Mill Corridor. The proposed application addresses the development of Parkridge VI, the final phase of the master planned Parkridge Center office campus, and the application does not increase the allowed density on the site.

Accordingly, Supervisor Hudgins moved that the Board direct staff in the Department of Public Works and Environmental Services to review and process the site plan and minor site plans for the property identified as Tax Map 018-3 ((01)) 7B and 7G Pt. filed by Walker FLP Limited Partnership concurrent with the staff review of pending Special Exception Application SE 2005-HM-010. She noted that this motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of this application in any way. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Chairman Connolly being out of the room, Supervisor McConnell being absent.

27. **RECOGNITION OF FLINT HILL SCHOOL (HUNTER MILL DISTRICT)** (11:27 a.m.)

Supervisor Hudgins said that Flint Hill Elementary School will celebrate its fiftieth anniversary on September 6, 2005. Flint Hill, located in Vienna, opened in 1955 as a 10-room school to serve the Vienna community. It has grown and now has over 650 students enrolled from the Vienna and Oakton communities. Flint Hill is led by Principal Salvador Rivera.

To acknowledge this milestone, Supervisor Hudgins moved that the Board direct staff to prepare a resolution of congratulations for Flint Hill Elementary and to invite the appropriate representatives to appear before the Board on September 12, 2005, to receive it. Vice-Chairman Bulova seconded the motion, which carried by a vote of eight, Chairman Connolly being out of the room, Supervisor McConnell being absent.

28. **RECOGNITION OF MS. LINDA WIMPEY** (11:27 a.m.)

Supervisor Frey noted that on July 14, Linda Wimpey, chief executive officer (CEO), Fairfax Area Christian Emergency and Transitional Services, Incorporated (FACETS), announced that she is leaving the organization. She was the founder, CEO, and driving force and vision behind FACETS.

Accordingly, Supervisor Frey asked unanimous consent that the Board direct staff to invite Ms. Wimpey to appear before the Board to be recognized for all her accomplishments in the community. Without objection, it was so ordered.

29. **MEMENTO FROM THE ANNUAL CONFERENCE OF THE NATIONAL ASSOCIATION OF COUNTIES (NACo)** (11:28 a.m.)

Supervisor Gross called the Board's attention to some gadgets she had distributed around the dais. She picked them up at the recent NACo conference, and she said that the devices can assist with opening items, such as CD packages, or clipping items from a newspaper.

30. **INTENT TO DEFER A PUBLIC HEARING (MASON DISTRICT)** (11:29 a.m.)

Supervisor Gross announced her intent to defer, at the appropriate time later in the meeting, the public hearing on Rezoning Application RZ 2004-MA-038. The Planning Commission public hearing for this application was deferred because of a building design issue that arose at that hearing. The application will need further review by staff and the Mason District committee.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#45.)

31. **ADDITIONAL BOARD MATTER FOR MASON DISTRICT SUPERVISOR GROSS** (11:30 a.m.)

Supervisor Gross announced that she may have an additional Board Matter to present following action on an Out-of-Turn Plan Amendment scheduled as a public hearing later in the day.

(NOTE: Later in the meeting, Supervisor Gross presented this Board Matter. See Clerk's Summary Item CL#50.)

DS:ds

32. **TIMBERLANE FIRE – REQUEST FOR RECOGNITION AND EARLY START FOR SEPTEMBER 12, 2005, BOARD MEETING (PROVIDENCE DISTRICT)** (11:30 a.m.)

Supervisor Smyth said that on Sunday, July 3, 2005, the Fairfax County Fire Department responded to a four-alarm fire that was in progress at the Timber Lane Village Garden Condominiums located on Lee Highway. Firefighters saw fire visible from the front and sides of the condominium on several floors and were able to bring this fire under control in about 50 minutes. Furthermore, investigations yielded that the fire was an accident that stemmed from a natural-gas furnace located on the third floor. Of the 100 residents living at Timberlane, dozens of residents were displaced and one resident was hospitalized due to serious burns.

Supervisor Smyth said that it was a terrible experience for everyone, but from that experience there were a number of examples of heroism, resilience, and individuals offering a helping hand, as follows:

- Mr. Rajesh Thanju, who heard an explosion, called 911, and then proceeded to knock on his neighbors' doors, and finally, yelling from the courtyard for his neighbors to get out of their homes and to safety.
- Mr. and Mrs. Islam, who had recently renovated their home that burned down.
- Mr. Bob Anderson, who came to her office to use the telephone and left with a handful of "222-Need Help?" flyers to be distributed to others.

- The Timber Lane Elementary School and the Parent/Teacher Association who set up temporary shelter at the school for families with children.
- The Red Cross.
- Department of Human Services, System Management.
- Faith based community and leaders in the community who set up a discussion table together with some of the individuals already mentioned, who came up with further solutions.
- Fire departments that responded from Fairfax County, Arlington County, City of Alexandria, and City of Fairfax.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to invite the heroes and helpers from the Timberlane fire to appear before the Board at the September 12, 2005, meeting to be recognized. Without objection, it was so ordered.

Discussion ensued, with input from Merni Fitzgerald, Director, Office of Public Affairs, regarding the schedule.

Following further discussion, with input from Catherine A. Chianese, Assistant to the County Executive, it was noted that the Revitalization Committee meeting is scheduled for 8 a.m., September 12, 2005.

Chairman Connolly announced that the September 12, 2005, Board meeting will begin at 9 a.m.

33. **REQUEST FOR EXPEDITED PROCESSING FOR PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-P-039-9 (HUNTER'S BRANCH) (PROVIDENCE DISTRICT)** (11:32 a.m.)

Supervisor Smyth said that Hunter's Branch, a PDC zoned development is partially governed by proffers approved pursuant to Proffered Condition Amendment Application PCA 80-P-039-5. Certain secondary uses are specified in those proffers, and Hunter's Branch Partners LLC is requesting that the approved proffers be amended to permit colleges and universities as an approved secondary use.

Supervisor Smyth said the University of Southwestern Missouri is seeking to locate within Hunter's Branch, but is unable to do so due to limitations in the proffers. The proposed satellite campus would have no more than 60 students, with 30 at any time, as well as two professors.

Therefore, Supervisor Smyth moved that the Board direct the Department of Planning and Zoning to expedite Proffered Condition Amendment Application PCA 80-P-039-09 to the greatest extent possible after the scheduled Planning Commission public hearing. This motion does not prejudice in any way the consideration of this PCA, nor does it relieve the applicant from compliance with the provisions of all the applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

34. **AUDIT COMMITTEE – ALTERNATE POSITION** (11:34 a.m.)

(APPT)

(BACs)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved:

- To create an alternate position for the Board's Audit Committee.

- The appointment of Supervisor Joan DuBois as the Alternate Representative to the Audit Committee.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

35. **BURKE CENTRE VIRGINIA RAILWAY EXPRESS (VRE) STATION PARKING FACILITY (BRADDOCK DISTRICT)**
(11:35 a.m.)

Supervisor Bulova said that from September 2003 to February 2004 her office hosted a Community Task Force regarding the design of a structured parking facility at the Burke Centre VRE Station. What started out as contentious ended with the unanimous adoption of recommendations for a design, as well as improvements to non-motorized access to the station. Community representatives from neighborhoods on both sides of the railroad participated in the process.

Supervisor Bulova said the parking facility is expected to be under construction by August of next year. In the meantime, her office has continued to work with County staff and task force members to plan for better pedestrian access to the station. A number of trails and trail improvements have been identified that would make it easier for VRE riders to walk or bike to the station, instead of driving their cars and parking at the site. She said that having these improvements in place during construction of the station would be one of several measures to provide alternatives to VRE riders whose parking will be displaced during the 18 months the garage will be under construction.

Therefore, Supervisor Bulova moved that the Board include a Consideration item in the amount of \$696,000 in the *Fiscal Year 2005 Carryover Review* to fund priority pedestrian and intersection improvements in the vicinity of the Burke VRE Station. The improvements include a series of trail connections and stream crossings between the VRE Station and the Burke Centre communities to the south, and pedestrian improvements at the Burke Centre Parkway/Roberts Parkway intersection. This funding will be supplemented by an amount of \$150,000 in existing capital project funds and \$154,000 in revenue from the Virginia Department of Transportation. The balance in General Funds that is need for the project is \$696,000. The second to this motion was inaudible.

Chairman Connolly relinquished the Chair to Acting-Chairman Kauffman and asked unanimous consent that the Board direct staff to, between now and Carryover, provide information regarding how similar projects are funded. Without objection, it was so ordered.

Acting-Chairman Kauffman returned the gavel to Chairman Connolly.

Following a brief discussion, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being absent.

PMH:pmh

36. **INTENT TO DEFER BOARD DECISION INDEFINITELY ON REZONING APPLICATION RZ 2004-MV-030 (MOUNT VERNON DISTRICT)** (11:39 a.m.)

Supervisor Hyland announced his intent, later in the meeting at the appropriate time, to defer Board decision on Rezoning Application RZ 2004-MV-030.

(Note: Later in the meeting, the Board took action regarding this item. See Clerk's Summary Item CL#43.)

37. **OUT-OF-TURN PLAN AMENDMENT S05-IV-LP3 (MOUNT VERNON DISTRICT)** (11:39 a.m.)

Supervisor Hyland said that on February 28, 2005, he moved to authorize Out-of-Turn Plan Amendment S05-IV-LP3 for tax map parcel 107-2 ((1)) 8, a four-acre property located on the northern edge of the Lorton Town Center. The Plan amendment sought to expand residential use onto the property. The nomination resulted from concerns over a by-right development of a storage facility adjacent to an existing residential development. However, due to the limited availability of land on which the storage facility could relocate, the development of the storage facility has continued, and the attempts to acquire the land for residential development will cease. The storage facility has worked with the neighboring community to enhance buffering and to minimize the visual impact of the development to ease the transition.

Therefore, Supervisor Hyland moved to defer the public hearing on Out-of-Turn Plan Amendment S05-IV-LP3 indefinitely. Supervisor Frey seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

38. **FORT HUNT LITTLE LEAGUE WINS STATE CHAMPIONSHIP (MOUNT VERNON DISTRICT)** (11:40 a.m.)

Supervisor Hyland announced that last Friday, the Fort Hunt Little League 11-year-old All Star team won the State Championships in Lynchburg, Virginia. This is the first time a team from Fort Hunt Little League has won the State Championship.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to invite the team to appear before the Board to be recognized for its incredible victory on August 1, 2005. Without objection, it was so ordered.

39. **NO BOARD MATTERS FOR DRANESVILLE DISTRICT SUPERVISOR JOAN DUBOIS** (11:41 a.m.)

Supervisor DuBois announced that she had no Board Matters to present today.

40. **GROUNDBREAKING FOR WATERFORD AT SPRINGFIELD (LEE DISTRICT)** (11:41 a.m.)

Supervisor Kauffman announced that a groundbreaking is scheduled for the Waterford at Springfield on Wednesday, July 27, 2005.

41. **NO BOARD MATTERS FOR SPRINGFIELD DISTRICT SUPERVISOR ELAINE McCONNELL** (11:43 a.m.)

(NOTE: Supervisor McConnell was absent from the entire meeting.)

Chairman Connolly announced that Supervisor McConnell had no Board Matters to be presented today.

42. **RECESS/CLOSED SESSION** (11:45 a.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation,

and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. *Steven Sabia v. Robert Pazos and Wesley Kuemmel*, U.S.D.C. Case No. 1:05CV429 (E.D. Va.)
2. *Calvert Homes, Inc. v. Verizon Virginia, Inc., and The Board of Supervisors of Fairfax County*, In Chancery No. CH-2004-0189649 (Fx. Co. Cir. Ct.) (Mount Vernon District)
3. *William E. Shoup, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, In Chancery No. CH-1997-0152580 (Fx. Co. Cir. Ct.) (Providence District)
4. *Board of Supervisors v. Erick R. Erickson, President of the Annandale Virginia Stake of the Church of Jesus Christ of Latter-Day Saints, et al.*, No. 05-4970 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

And in addition:

- Health Department employees who are grandfathered members of the Virginia Retirement System.
- Virginia Code Section 2.2-3711 (20).
- Virginia Code Section 15.2-2108(8) and (C).

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

PW:pw

At 3:11 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Frey, Supervisor Kauffman, and Supervisor McConnell, and with Chairman Connolly presiding.

43. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2004-MV-030 (LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (3:11 p.m.)

(NOTE: On June 6, 2005, the Board held a public hearing on this item and deferred decision until June 20, 2005. On June 20, 2005, the Board deferred the public hearing until July 25, 2005.)

Supervisor Hyland said that he met with staff, the applicant, and interested citizens on site to discuss the issues raised at the public hearing. After the meeting, the applicant proposed to alter the proffered plan to address some of the issues. This changes the proffers, which necessitates a new public hearing.

Accordingly, Supervisor Hyland moved that the Board schedule a new public hearing for Rezoning Application RZ 2004-MV-030 for **September 26, 2005, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell being absent.

44. **3 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 82-P-069-14 (THE PETERSON COMPANIES, LC) (SPRINGFIELD DISTRICT)**

AND

PH ON CONCEPTUAL DEVELOPMENT PLAN AMENDMENT APPLICATION CDPA 82-P-069-07 (THE PETERSON COMPANIES, LC) (SPRINGFIELD DISTRICT) (3:13 p.m.)

(NOTE: On July 11, 2005, the Board deferred the public hearing on this item until July 25, 2005.)

The Proffered Condition Amendment Application PCA 82-P-069-14 property is located generally in the northeast, southeast, and southwest quadrants of the intersection of Fair Lakes Parkway and Fairfax County Parkway, Tax Map 45-4 ((1)) 25E, 45-4 ((11)) A2, 55-2 ((1)) 6, 6A, 8, 9A, 11A1, 11B1, 11C1, 11D, and 18.

The Conceptual Development Plan Amendment Application CDPA 82-P-069-07 is located on the south side of Fair Lakes Circle, approximately 600 feet east of the Fairfax County Parkway, Tax Map 55-2 ((1)) 9A and 18.

Mr. Frank McDermott reaffirmed the validity of the affidavit for the record.

Mr. McDermott had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Connolly disclosed the following campaign contributions which he had received:

- In excess of \$100 from Ms. Sharon Todd
- In excess of \$100 from Mr. Frank McDermott

Following the public hearing, Kris Abrahamson, Chief, Rezoning and Special Exception Branch, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued regarding design issues, tree save, and the conceptual development plan office/residential mix.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, on behalf of Supervisor McConnell, moved:

- Approval of Proffered Condition Amendment Application PCA 82-P-069-14, subject to the proffers dated April 14, 2005.
- Approval of Conceptual Development Plan Amendment Application CDPA 82-P-069-07, subject to the development conditions dated April 27, 2005.
- Modification of the use limitation in the PDC District to permit the gross floor area of residential uses to exceed 50 percent of the principal uses in order to allow 150,000 square feet of residential use associated with Conceptual Development Plan Amendment Application CDPA 82-P-069-07 exclusive of affordable dwelling units and related bonus units if provided.
- Waiver of the transitional screening requirements and the barrier requirements between the on-site uses and along the southern portion of the Conceptual Development Plan Amendment Application CDPA 82-P-069-07 site.

Supervisor Hyland seconded the motion.

Additional discussion ensued regarding staff recommendations.

The question was called on the motion and it **CARRIED** by a recorded vote of seven, Supervisor Smyth abstaining, Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

On June 2, 2005, the Planning Commission approved:

- Final Development Plan Amendment Application FDPA 82-P-069-01-13, subject to the conditions contained in Appendix 1 of the staff report.
- Final Development Plan Amendment Application FDPA 82-P-069-08-4, subject to the Development Conditions dated contained in Appendix 2 of the staff report.

On June 15, 2005, the Planning Commission approved:

- Final Development Plan Amendment Application FDPA 82-P-069-06-8, subject to the development conditions dated May 31, 2005.
- Final Development Plan Amendment Application FDPA 82-P-069-11-3, subject to the development conditions dated May 31, 2005.

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MA-038 (MOON SIK PARK) (MASON DISTRICT)** (3:42 p.m.)

Supervisor Gross moved to defer the public hearing on Rezoning Application RZ 2004-MA-038 until **August 1, 2005, at 3:30 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being absent.

DET:det

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ACTIONS FROM CLOSED SESSION

46. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:42 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

47. **AUTHORIZATION FOR THE CHIEF OF POLICE TO SIGN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT AND THE WASHINGTON FIELD OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION (FBI)** (3:43 p.m.)

Supervisor Gross moved that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Fairfax County Police Department and the Washington Field Office of the FBI, authorizing the collaboration of the Police Department's Criminal

Investigation Division and the FBI's Washington Field Office to provide operational and strategic counter-terrorism/criminal intelligence to law enforcement agencies in the Washington, DC – Northern Virginia Metropolitan area.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being absent.

PW:pw

AGENDA ITEMS

48. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 87-P-052-02/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 87-P-052-02 (EYA DEVELOPMENT, INCORPORATED) (SPRINGFIELD DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 84-P-007-03/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 84-P-007-03 (EYA DEVELOPMENT, INCORPORATED) (SPRINGFIELD DISTRICT)
(3:44 p.m.)

The Proffered Condition Amendment Application PCA 87-P-052-02/Final Development Plan Amendment Application FDPA 87-P-052-02 property is located in the southeast corner of the intersection of Legato Road and West Ox Road, Tax Map 46-3 ((1)) 40.

The Proffered Condition Amendment Application PCA 84-P-007-03/Final Development Plan Amendment Application FDPA 84-P-007-03 property is located on the south side of Legato Road approximately 150 feet east of West Ox Road, Tax Map 46-3 ((1)) 51.

Mr. Martin Walsh reaffirmed the validity of the affidavit for the record.

Mr. Walsh had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Cameron Financial, LLC, which is not a party to this application. Chris Lessard of the Lessard Architectural Group is a member of Cameron Financial, LLC.

Following the public hearing, which included testimony by one speaker, Kris Abrahamson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved to:

- Keep the record open for additional items that Supervisor McConnell may wish to submit for the record.
- Defer decision on Proffered Condition Amendment Application PCA 87-P-052-02, Final Development Plan Amendment Application FDPA 87-P-052-02, Proffered Condition Amendment Application PCA 84-P-007-03, and Final Development Plan Amendment Application FDPA 84-P-007-03 until **August 1, 2005, at 3 p.m.**

Supervisor Kauffman seconded the motion and it carried by a vote of seven, Supervisor DuBois and Supervisor Hudgins being out of the room, Supervisor McConnell being absent.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

49. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-I-B4 FOR THE AREA ALONG OPAH STREET, EAST OF LACY BOULEVARD AND LOCATED IN THE BAILEYS NEIGHBORHOOD IMPROVEMENT AND CONSERVATION PLAN AREA (MASON DISTRICT)** (4:02 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 7 and July 14, 2005.

Clara Quintero Johnson, Planner II, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following the public hearing, which included testimony by two speakers, discussion ensued regarding single family/townhouse residential uses.

Supervisor Gross stated that she had an item for the record.

Supervisor Gross moved approval of Out-of-Turn Plan Amendment S04-I-B4 as recommended by the Planning Commission. Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

ADDITIONAL BOARD MATTER

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50. **INCLUSION OF OPAH STREET RIGHT-OF-WAY IN A REZONING APPLICATION (MASON DISTRICT)** (4:11 p.m.)

Supervisor Gross stated that she anticipated that a rezoning application will soon be filed on behalf of Concordia Mason, LLC for some property along Opah Street in the Mason District. The application will propose residential development on a consolidation of some blighted and some vacant parcels along Opah Street. Although Opah Street is depicted as a street on County tax maps, it was never constructed and remains as unimproved right-of-way.

Accordingly, Supervisor Gross moved that the Board grant permission to include the unimproved Opah Street right-of-way, an area of 26,853 square feet or about .62 acres, in a rezoning application being filed for these parcels adjacent to and underlying this right-of-way. She distributed a tax map of the described area for reference. She noted that this motion should not be construed as a favorable recommendation on this application or related applications by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion, which carried by a vote of six, Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

AGENDA ITEMS

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51. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ANNANDALE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 14 (BRADDOCK DISTRICT)** (4:13 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 7 and July 14, 2005.

Hamid Majdi, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Bulova stated that she had an item for the record.

Supervisor Bulova moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Annandale RPPD, District 14. The proposed District expansion includes the following street blocks:

- Medford Drive (Route 3087) from Weyburn Drive (Route 3059) to Kingman Drive (Route 3072)
- Rawlins Road (Route 3097) from Medford Drive to the end
- Mayfield Drive (Route 3060) from Weyburn Drive to Gaylord Drive (Route 3062)
- Weyburn Drive from Kingman Drive to Mayfield Drive

Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

52. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE McLEAN RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 21 (DRANESVILLE DISTRICT)** (4:15 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 7 and July 14, 2005.

Hamid Majdi, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor DuBois stated that she had an item for the record.

Supervisor DuBois moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the McLean RPPD, District 21. The proposed District expansion includes Westmoreland Street (Route 693) west side from Rosemont Drive (Route 1960) to Broyhill Street (Route 2035). Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

53. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE LANGLEY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 20 (DRANESVILLE DISTRICT)** (4:17 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 7 and July 14, 2005.

Hamid Majdi, Transportation Planner II, Traffic Operations Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor DuBois stated that she had items for the record.

Supervisor DuBois moved adoption of the proposed amendments to the Code of the County of Fairfax, Appendix G, expanding the Langley RPPD, District 20. The proposed District expansion includes Ridge Drive (Route 6090) from Ridge Drive to Briar Hill Court (Route 6089) excluding the areas that are designated "No Parking" by the Virginia Department of Transportation. Supervisor Bulova seconded the motion and it carried by a vote of six, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins, Supervisor Hyland, and Supervisor Kauffman being out of the room, Supervisor McConnell being absent.

54. **BOARD RECESS** (4:24 p.m.)

At 4:24 p.m. the Board recessed briefly, and at 4:30 p.m. reconvened with all Members being present, with the exception of Supervisor Frey, Supervisor Hyland, and Supervisor McConnell, and with Chairman Connolly presiding.

55. **4:30 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF LAUREL RIDGE SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (HUNTER MILL DISTRICT)** (4:30 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 7 and July 14, 2005.

Dianne Barnes, Right-of-way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Hudgins moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project X00826, Extension Project Fiscal Year 1996 (D015) – Laurel Ridge Sanitary Sewer Extension and Improvement, in Fund 402, Sewer Construction Improvements. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Hyland being out of the room, Supervisor McConnell being absent.

56. **4:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING REGIONAL RAIL TRANSIT FACILITIES** (4:32 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of July 7 and July 14, 2005.

Cynthia Chambers, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning (DPZ), presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Smyth indicated that she had an item for the record.

Discussion ensued with input from Richard Stevens, Dulles Rail Project Manager, Fairfax County Department of Transportation, and Barbara A. Byron, Director, Zoning Evaluation Division, DPZ, regarding waivers and setback requirements.

Supervisor Kauffman moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding regional rail transit facilities as recommended by the Planning Commission with an editing revision to the accessory electrically-powered regional rail transit facilities definition and a modification to Section 2-414 to remove the 25 foot minimum horizontal distance between tracks associated with electrically powered regional rail facilities and tracks associated with the accessory electrically-powered regional rail transit facilities in all residential dwellings as set forth in Attachment 3 of the July 25, 2005, memorandum from the Zoning Administrator with an effective date of 12:01 a.m. on the date following adoption. Supervisor Bulova and

Supervisor Hudgins jointly seconded the motion.

Supervisor Smyth asked to amend the motion and revise the concluding paragraph of the proposed new Section 2-516 to read as follows:

"Notwithstanding the above, accessory electrically-powered regional rail transit facilities located in the right-of-way of the Dulles International Airport Access Highway or an interstate highway shall not be subject to this Section except for the provisions of Paragraph 1 and 4 above."

This was accepted.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hyland being out of the room, Supervisor McConnell being absent.

57. **BOARD ADJOURNMENT** (4:48 p.m.)

The Board adjourned.